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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,050	01/23/2004	Dinah B. Quiachon	ENDOV-67115	7611
24201	7590	01/03/2006	EXAMINER	
FULWIDER PATTON 6060 CENTER DRIVE 10TH FLOOR LOS ANGELES, CA 90045			BLANCO, JAVIER G	
			ART UNIT	PAPER NUMBER
			3738	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/764,050	Applicant(s) QUIACHON ET AL.	
	Examiner Javier G. Blanco	Art Unit 3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicants' amendment of claims 33 and 36-40 in the reply filed on October 24, 2005 is acknowledged.

Priority

2. Claim 33 is directed to subject matter that was introduced for the first time in parent application 08/241,476 (now US 5,628,783), filed May 12, 1994. Thus, the effective filing date for the subject matter of claim 33 is May 12, 1994.

Specification

3. The disclosure is objected to because of the following informality: please update the "CROSS-REFERENCE TO RELATED APPLICATIONS" section (i.e., --now US 5,489,295--). This was not addressed in the amendment to the Specification filed October 24, 2005. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 33-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo et al. (US 5,236,447 A) in view of Lazarus et al. (US 5,275,622 A) and Chuter et al. (US 5,720,776 A).

Referring to Figures 1, 2, 5, and 6 (particularly Figure 5), Kubo et al. disclose a bifurcated graft (e.g., fabric; see entire document) comprising a bifurcated body including a trunk (4), a first leg (6), and a second leg (6'). See column 7, lines 15-51. A first ring attached to the trunk (ring portion 2); a second ring and a third ring each attached to the first leg (ring portions 2); and a fourth ring and a fifth ring each attached to the second leg (ring portions 2). Ring portions 2 are configured either within the internal surface of the graft or on the outside surface of the graft (see column 7, lines 40-43 and lines 52-53; column 8, lines 5-7). The first leg is longer than the second leg (see column 7, lines 36-39). Second ring and third ring are spaced longitudinally along the first leg (see Figure 5). Fourth ring and fifth ring are spaced longitudinally along the second leg (see Figure 5). Each of the first, second, and fourth rings comprises at least one vessel wall-engaging member (see column 7, lines 15-51; see entire document).

Kubo et al. disclose the invention as claimed except for particularly disclosing each rings as comprising a plurality of alternating apices, which apices comprise a helical coil. However, this is already known in the art. For example, each of Lazarus et al. '622, and Chuter et al. '776 discloses bifurcated grafts comprising rings having a plurality of alternating apices, which apices comprise a helical coil (see Figures) in order to improve and/or reinforce the mechanical attachment of the bifurcated grafts to a vessel wall (see entire documents). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teaching of a bifurcated graft comprising rings having a plurality of

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alternating apices, which apices comprise a helical coil, as taught by Lazarus et al. '622 and Chuter et al. '776, with the bifurcated graft of Kubo et al., in order to improve and/or reinforce the mechanical attachment of the bifurcated grafts to a vessel wall.

Response to Arguments

6. Applicant's arguments filed October 24, 2005 have been fully considered but they are not persuasive.

The Applicants argue that Kubo et al. (US 5,236,447 A) "is not available as prior art under 102(e)". The Examiner respectfully disagrees. As indicated above (see PRIORITY), claim 33 is directed to subject matter that was introduced for the first time in parent application 08/241,476 (now US 5,628,783), filed May 12, 1994. Application No. 08/241,476 (now US 5,628,783) is a continuation-in-part (emphasis added) of Application No. 08/066,414 (now US 5,489,295). US Patent Number 5,489,295 does not disclose or suggest the claimed subject matter of independent claim 33 (particularly the presence of a third ring attached to the first leg, and a fifth ring attached to the second leg). Thus, the effective filing date for the subject matter of claim 33 is May 12, 1994. Therefore, Kubo et al. (US 5,236,447 A) is available as prior art under 102(e).

NOTE: Applicants are respectfully requested to submit the original disclosure of Application No. 07/684,018 (now abandoned). Said application is not available to the office, and was not submitted in the IDS.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:00 a.m.-6:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

JGB



December 27, 2005



David H. Willse
Primary Examiner